

Appendix D

**TEST OF LANGUAGE FROM CSLC,
“THE KEY COMPONENTS OF THE LAW,
EFFECTIVE JANUARY 1, 2000 – CALIFORNIA’S
BALLAST WATER MANAGEMENT PROGRAM”
AND ADDITIONAL BALLAST WATER REFERENCES**

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KEY COMPONENTS OF THE LAW

Effective January 1, 2004 - California's Marine Invasive Species Act

- **FOR VESSELS COMING FROM OUTSIDE THE EEZ** - Mandatory mid-ocean exchange OR Retention of all Ballast Water for all qualifying vessels
 - "Qualifying Vessels," means all vessels over 300 gross register tons, United States and foreign, carrying ballast water into the waters of the state after operating outside the waters of the state
 - "Exchange" means to replace water in tanks using either
 - "Flow through exchange" - overflowing the tank from the top until three volumes of water have been changed.
 - "Empty/refill exchange" - pump out, until tank is empty or nearly so, and then refilling the tank with mid-ocean waters.
 - "Mid-Ocean Waters" means waters that are more than 200 nautical miles from land and at least 2,000 meters (6,560 feet or 1,093 fathoms) deep.
- **FOR VESSELS COMING FROM OTHER WEST COAST PORTS** - Minimize ballast water discharges in state waters while rules are developed (due July 1, 2005).
- **FOR ALL VESSELS**
Mandatory Completion and Submission of Ballast Water Report Form by vessel master, owner, operator, agent, or person in charge of vessel at each port of call in California.

Ballast Water Report Form (developed by US Coast Guard)

[\(PDF Format\)](#) [\(Word 97 Format\)](#)

Form may be submitted electronically or in written form to CSLC.

FAX: 562-499-6444

Email: bwform@slc.ca.gov

**** Submission of this form to CSLC does NOT relieve the vessel of the responsibility to report to the US Coast Guard.**

Mandatory Compliance with "Good Housekeeping" Practices

Avoid uptake or discharge in or near marine sanctuaries, reserves, parks, or coral reefs

Minimize or avoid uptake in the following areas or circumstances:

Areas of known infestations or pathogens

Near sewage outfalls

Near dredging operations

Areas with reduced tidal flushing

In darkness when bottom-dwelling organisms are active

Where propellers may stir up sediment
Clean ballast tanks regularly to remove sediment
Dispose of sediments in accordance with appropriate laws
Minimize discharge amounts
Rinse anchors and anchor chains
Remove fouling organisms from hull, pipes, etc.
Dispose of any removed substance in accordance with laws

Maintain a [Ballast Water Management Plan](#) prepared specifically for vessel. Written document on board, specific for your vessel, describing the procedure for ballast management. It should include safety and exchange procedures.
See IMO Resolution A.868 for "Guidelines for the Control and Management of Ship's Ballast Water to Minimize the Transfer of Harmful Aquatic Organisms and Pathogens". Adopted November 1997.

[Ballast Water Log](#) outlining ballast water management activities for EACH ballast water tank on board the vessel and shall make the separate ballast water log available for inspection.

Training of vessel master, PIC, and crew regarding the application of ballast water and sediment management and treatment procedures

Mandatory Fee Submission to California's Board of Equalization (**916-322-1965**)

Each owner/operator shall pay \$500.00 for each qualifying voyage at their first port call in California.

Random Sampling of Vessels for Compliance

Civil and Criminal Penalties for failure to comply with any portion of the Law

Title 2, Division 3, Chapter 1,

Article 4.6 Ballast Water Regulations for Vessels Arriving at California Ports or Places after Departing from Ports or Places within the Pacific Coast Region

Section 2280. Purpose, Applicability, and Date of Implementation.

- (a) The purpose of the regulations in Title 2, Division 3, Chapter 1, Article 4.6 of the California Code of Regulations is to move the state expeditiously toward elimination of the discharge of nonindigenous species into the waters of the state or into waters that may impact the waters of the state, based on the best available technology economically achievable.
- (b) The provisions of Article 4.6 apply to all vessels arriving at a California port or place carrying ballast water from another port or place within the Pacific Coast Region. For the purposes of Article 4.6 all ports and places in the San Francisco Bay area east of the Golden Gate bridge including the Ports of Stockton and Sacramento, shall be construed as the same California port or place; and the Ports of Los Angeles, Long Beach and the El Segundo marine terminal shall be construed as the same California port or place.
- (c) The provisions of Article 4.6 do not apply to vessels that arrive at a California port or place after departing from ports or places outside of the Pacific Coast Region.
- (d) The provisions of these regulations become effective 180 days after they have been filed with the Secretary of State.

Authority: Sections 71201.7 and 71204.5, Public Resources Code

Reference: Sections 71201 and 71204.5, Public Resources Code.

Section 2281. Safety of Ballasting Operations.

- (a) The master, operator, or person in charge of a vessel is responsible for the safety of the vessel, its crew, and its passengers.
- (b)
 - (1) The master, operator, or person in charge of a vessel is not required by this provision to conduct a ballast water management practice, including exchange, if the master determines that the practice would threaten the safety of the vessel, its crew, or its passengers because of adverse weather, vessel design limitations, equipment failure, or any other extraordinary conditions.
 - (2) If a determination described in subsection (b)(1) is made, the master, operator, or person in charge of the vessel shall take all feasible measures, based on the best available technologies economically

achievable, that do not compromise the safety of the vessel to minimize the discharge of ballast water containing nonindigenous species into the waters of the state, or waters that may impact the waters of the state.

- (c) Nothing in this provision relieves the master, operator, or person in charge of a vessel of the responsibility for ensuring the safety and stability of the vessel or the safety of the crew and passengers, or any other responsibility.

Authority: Sections 71201.7 and 71204.5, Public Resources Code

Reference: Sections 71203, 71204.5, Public Resources Code.

Section 2282. Definitions.

Unless the context otherwise requires, the following definitions shall govern the construction of this Article:

- (a) "Coastal waters" means estuarine and ocean waters within 200 nautical miles of land or less than 2,000 meters (6,560 feet, 1,093 fathoms) deep, and rivers, lakes, or other water bodies navigably connected to the ocean.
- (b) "Commission" means the California State Lands Commission.
- (c) "Exchange" means to replace the water in a ballast tank using either of the following methods:
 - (1) "Flow through exchange," which means to flush out ballast water by pumping three full volumes of near-coastal water through the tank, continuously displacing water from the tank, to minimize the number of original coastal organisms remaining in the tank.
 - (2) "Empty/refill exchange," which means to pump out, until the tank is empty or as close to 100 percent empty as is safe to do so, the ballast water taken on in ports, or estuarine or territorial waters, then to refill the tank with near-coastal waters.
- (f) "Near-coastal waters" means waters that are more than 50 nautical miles from land and at least 200 meters (656 feet, 109 fathoms) deep.
- (g) "Pacific Coast Region" means all coastal waters on the Pacific Coast of North America east of 154 degrees W longitude and north of 25 degrees N latitude, exclusive of the Gulf of California.
- (h) "Vessel" means a vessel of 300 gross registered tons or more.

Authority: Sections 71201.7 and 71204.5, Public Resources Code

Reference: Sections 71200 (e), (j) and (n), 71201, 71204 and 71204.5, Public Resources Code.

Section 2283. Alternatives.

(a) Petitions for Alternatives.

- (1) Any person subject to these regulations may submit a petition to the Commission for alternatives to the requirements of Article 4.6 as applied to the petitioner.
- (2) All petitions for alternatives must be submitted in writing. A petition may be in any form, but it must contain all data and information necessary to evaluate its merits in order to fulfill the purposes of these regulations.

(b) Approval of Alternatives.

- (1) The Commission may approve any proposed alternatives to the requirements of Article 4.6 if it determines that the proposed alternatives will fulfill the purpose of these regulations as outlined in subsection (a) of Section 2280 of this Article.
- (2) If the Commission approves any proposed alternatives under this section, a letter of approval shall be issued to the petitioner setting forth the findings upon which the approval is based.
- (3) The Commission may withdraw the letter of approval of any alternative requirements at any time if it finds that the person or persons subject to these regulations have not complied with the approved alternative requirements.
- (4) Withdrawal of a letter of approval under this section shall be effective upon receipt by the petitioner of written notification of the withdrawal from the Commission.

Authority: Sections 71201.7 and 71204.5, Public Resources Code

Reference: Sections 71201 and 71204.5, Public Resources Code

Section 2284. Ballast Water Management Requirements

- (a) The master, operator, or person in charge of a vessel that arrives at a California port or place from another port or place within the Pacific Coast

Region shall employ at least one of the following ballast water management practices:

- (1) Exchange the vessel's ballast water in near-coastal waters, before entering the waters of the state, if that ballast water has been taken on in a port or place within the Pacific Coast region.
- (2) Retain all ballast water on board the vessel.
- (3) Use an alternative, environmentally sound method of ballast water management that, before the vessel begins the voyage, has been approved by the commission or the United States Coast Guard as being at least as effective as exchange, using mid-ocean waters, in removing or killing nonindigenous species.
- (4) Discharge the ballast water to a reception facility approved by the commission.
- (5) Under extraordinary circumstances where compliance with subsections (a)(1) through (a)(4) of this section is not practicable, perform a ballast water exchange within an area agreed to by the commission in consultation with the United States Coast Guard at or before the time of the request.

Authority: Sections 71201.7 and 71204.5, Public Resources Code

Reference: Sections 71200, 71204 and 71204.5, Public Resources Code

LOCATION OF BALLAST WATER REPORTING FORM:

http://www.slc.ca.gov/Division_Pages/MFD/MFD_Programs/Ballast_Water/Documents/Ballast%20Water%20Reporting%20Form.doc

Ballast Outreach – Laws and Regulations

Source: http://groups.ucanr.org/Ballast_Outreach/Laws_and_Regulations/California.htm

Ballast Management: Laws and Regulations **California**

Background

California passed Assembly Bill 703 (AB 703) in October 1999 which required open ocean exchange or treatment for all vessels wanting to discharge ballast water in a California port after operating outside of the Exclusive Economic Zone (EEZ). AB 703 sunset in 2004 and was replaced by AB 433, California's Marine Invasive Species Act. AB 433 strengthened the legislation begun by AB 703. AB 433 requires all vessels arriving from outside the EEZ to perform mid-ocean ballast exchange or qualifying vessels must retain all ballast water onboard. As of March 22, 2006 all vessels must exchange ballast water when traveling between one port or place and another in the Pacific Coast Region.



Port of Oakland

For Vessels Coming From Outside the EEZ

Mandatory mid-ocean exchange or retention of all ballast water for all qualifying vessels. Qualifying vessels include all vessels over 300 gross register tons, United States and foreign, carrying ballast water into the waters of the state after operating outside the waters of the state. Two options exist for Ballast Water Exchange. These include:

- Flow Through Exchange - overflowing the tank from the top until three volumes of water have been changed.
- Empty/Refill Exchange - pump out, until tank is empty or nearly so, and then refilling the tank with mid-ocean waters. Mid-ocean waters include waters that are more than 200 nautical miles from land and at least 2,000 meters (6,560 feet or 1,093 fathoms) deep.

For Vessels Coming From Other West Coast Ports (As of March 22, 2006)

The master, operator, or person in charge of a vessel that arrives at a California port or place from another port or place within the Pacific Coast Region (all coastal waters east of 154 degrees W longitude and north of 25 degrees N latitude, exclusive of the Gulf of California) shall employ at least one of the following ballast water management practices:

- Exchange the vessel's ballast water in near-coastal waters (more than 50 nautical miles from land and at least 200 meters deep) before entering the waters of the state
- Retain all ballast water on board the vessel

- Use a United States Coast Guard (USCG) approved alternate and environmentally sound method of ballast water management that is at least as effective as exchange in removing or killing nonindigenous species.
- Discharge the ballast water to a reception facility approved by the California State Lands Commission (CSLC)
- Under extraordinary circumstances perform a ballast water exchange in an area agreed to by the CSLC and in consultation with the USCG

All Vessels Must Complete and Submit a Ballast Water Report Form

The Ballast Water Report Form must be completed and submitted by the vessel master, owner, operator, agent, or person in charge of the vessel upon departure from each port of call in California. The Ballast Water Report Form (developed by the United States Coast Guard) may be downloaded from the California State Lands Commission web site. Forms may be submitted electronically or in written form to CSLC (Fax: 562-499-6444 or email: bwform@slc.ca.gov). Submission of the California Ballast Water Report Form does not relieve the vessel of the responsibility to report to the US Coast Guard.

All Vessels Must Comply With "Good Housekeeping" Practices

- Avoid uptake or discharge in or near marine sanctuaries, reserves, parks, or coral reefs.
- Minimize or avoid uptake in the following areas or circumstances: Areas of known infestation or pathogens; Near sewage outfalls; Near dredging operations; Areas with reduced tidal flushing; In darkness when bottom-dwelling organisms are active; Where propellers may stir up sediment
- Clean Ballast tanks regularly to remove sediment. Disposal of sediments must be in accordance with appropriate laws.
- Minimize discharge amounts
- Rinse anchors and anchor chains
- Remove fouling organisms from hull, pipes, etc...
- Dispose of any removed substance in accordance with laws

All Vessels Must Maintain a Ballast Water Management Plan

The Ballast Water Management Plan must be prepared specifically for the vessel. The Plan must be a written document that is kept on board, specific for your vessel, and describes the procedure for ballast management. It should include safety and exchange procedures. (See IMO Resolution A.868 for "Guidelines for the Control and Management of Ship's Ballast Water to Minimize the Transfer of Harmful Aquatic Organisms and Pathogens." Adopted November 1997).

All Vessels Must Maintain a Ballast Water Log

The Ballast Water Log must outline the ballast water management activities for each ballast water tank on board the vessel and shall make the separate ballast water log available for inspection.

Mandatory Fee Submission for All Vessels

Each owner/operator shall pay \$400 for each qualifying voyage at their first port of call in California. Fees may be submitted to the California Board of Equalization (916) 322-1965.

Additional Requirement for All Vessels

- Vessel master, Person In Charge, and crew must be trained in the application of ballast water and sediment management and treatment procedures.
- Vessels must submit to random sampling for compliance purposes.
- Failure to comply with any portion of the Law may result in civil and/or criminal penalties.

For more information see the [California State Lands Commission](#) website.

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